Griffith Davis * * * * * * * * * *

IN RE: PETITION FOR SPECIAL HEARING

NE/S Yorkway, 710' NW of the

c/l of Leeway * ZONING CYMISSIONER (2510 Yorkway) 12th Election District * OF BALTIMORE COUNTY 7th Councilmanic District * Case No. 89-263-SPH

FINDINGS OF F CT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a five unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's

The Petitioner, Griffith Davis, and the Contract Purchaser, by David G. Johnston of Landex, Inc., appeared, testified and were represented by John B. Gontrum, Esquire. Also appearing on behalf of the Petition were Douglas Kennedy, a registered professional engineer with KCW Consultants, Inc., who prepared Petitioner's Exhibit 1, and Ronald Gajewski. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner. There were no Protestants.

At the onset of the hearing, it was determined that the Petition filed was incorrect. The Petitioner requested an amendment of the Petition and asked for the nonconforming use of the subject property as a four unit apartment building. The motion was approved

Testimony indicated that the subject property, known as 2510 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor with one unit existing in the basement. The remaining portion of the basement is improved with storage

and utility space. The subject property is serviced by a rear parking area which is accessed off of a common alley. Tax records submitted into evidence establish that the subject building has been assessed and transferred over the years as at least a four unit apartment building continuously and without interruption since approximately early 1944. Testimony and evidence presented substantiates that the building was originally constructed as a four unit apartment building and has been used consistently as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in 1943 or 1944 as four unit apartment buildings. Over the years some buildings have added additional units in the basement area. In almost every case, without exception, nonconforming uses have been granted for at least four units. Case No. 89-103-SPYH was decided in September, 1988 for 2532 Yorkway for a similar building in the next block. Additionally, Case Nos. 88-14-SPH and 86-290-SPH found that nonconforming uses existed for at least four apartments since prior to 1945. In the instant case, the Petitioner requests a nonconforming use for the original four apartment units only. The subject property is located within a group of buildings in which units were previously granted nonconforming use status in either Case Nos. 88-377-SFH or 88-456-SPH.

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

John B. Gontrum, Esquire 809 Eastern Boulevard Baltimore, Maryland 21221

Dennis F. Rasmussen

RE: PETITION FOR SPECIAL HEARING NE/S Yorkway, 710' NW of the c/l of Leeway (2510 Yorkway) 12th Election District - 7th Councilmanic District Griffith Davis - Petitioner Case No. 89-263-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours, I. ROBERT HAINES Zoning Commissioner for Baltimore County

JRH:bjs

cc: People's Counsel

File

The undersigned, legal owner(s) of the property situate in Baltimore Courty and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ as a legal non-conforming use (with five: apartments) #2510 Yorkway, Baltimore County, Maryland Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. MAP SE 4E Contract Purchaser: Legal Owner(s): Griffith Davis Judith S. Siegel, President ____ -- 12 K Treyor Print Name) (Type or Print, Name) DATE 2-22-81 Signature Landex Corporation 250 Centerville Road, Bldg. 6 (Type or Print Name) Warwick, R.I. 02886 ____ City and State Signature Attorney for Petitioner: 4 Club Road Baltimore, Maryland 21234 City and State 809 Eastern Blvd. Name, address and phone number of legal owner, contract purchaser or representative to be contacted Essex, Md. 21221 City and State Attorney's Telephone No.: 301-686-8274 ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

The first issue to be determined in a nonconforming use case is whether or not the property in question was legally and permissibly developed prior to the statutory change which created the alleged nonconforming The four unit apartment building in the instant case was constructed prior to the adoption of the 1945 zoning regulations. This property is often referred to by the Petitioner and in this Opinion as an apartment building. This building is an apartment house as that term was defined in the original 1945 Baltimore County Zoning Regulations (B.C.Z.R.). That term was then defined as:

> "A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities."

There is evidence of heat and public utilities in common and an acceptable number of apartment units. Therefore, the building does comply with the "D" residential zoning placed on the land on January 2, 1945 for an apartment house.

The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The Petitioner has also established that the building was acceptable under the "D" residential zoning in place from January 2, 1945 through 1955.

The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the proper-A determination must be made as to whether or not any change that has occurred is a different use and therefore breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Item #230

December 29, 1988



Dennis F. Rasmussen

Community Development Administration 45 Calvert Street Annapolis, Maryland 21401

Benton Mortgage Company 5731 Lyons View Drive Nashville, Tennessee 37919

RE: Yorkway Apartments Gentlemen:

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings: 2513 Yorkway

2515 Yorkway 2517 Yorkway 2519 Yorkway 2521 Yorkway 2506 Yorkway 2611 Yorkway 2613 Yorkway 2625 Yorkway 2605 Yorkway 2607 Yorkway 2627 Yorkway 2629 Yorkway 2504 Yorkway 2510 Yorkway 2511 Yorkway

Based on the testimony and evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

The following properties 2609 Yorkway, 2619 Yorkway, 2527 Yorkway and 2529 Yorkway have all previously been found to have legal nonconforming uses. To my knowledge, there are no zoning violations outstanding on any of these buildings, and they may continue as four unit apartment buildings in conformance with the laws and regulations of Baltimore County.

> Very truly yours, J. Robert Haines

nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A2d. 96 (1978).

Clearly, the use of the subject property has not changed since The property has always been a four unit apartment building and there have been no changes or interruptions in that use. The subject property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since approximately 1944.

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2510 Yorkway as a four unit apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

> Zoning Commissioner for Baltimore County

Douglas L. Kennedy, P.E.

William K. Woody, L.S.

November 29, 1988

KCW Consultants, Inc. Civil Engineers and Land Surveyors 1777 Reisterstown Road Commercentre, Suite 175 Baltimore, Maryland 21208

Ttom

John M. Cosaraquis, L.S. (Ret.)

#230

(301) 484-0894 / 484-0963

PETITIONER/CONTRACT PURCHASER:

LANDEX CORPORATION 250 Centerville Road, Bld. 'F' Warwick, Rhode Island 02886 Attn: Ms. Judith Siegel (401) 732-5430

PROPERTY DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING 12th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the southwesterly line of Yorkway as now laid out 40 feet wide distant 677.31 feet northwesterly measured along the said southwesterly line of Yorkway from the northwesterly line of Leeway as now laid out 60 feet wide all as shown on "Plat No. 4 of Dundalk" and running thence south 30 degrees 34 minutes 4 seconds west 106.37 feet part of which distance is intended to be along the center line of a party wall there situate to intersect the northeasterly line of a 14 foot alley there situate and as shown on said plat, thence binding on the northeasterly line of said alley the two following courses and distances north 56 degrees 10 minutes 24 seconds west 22.75 feet and north 58 degrees 41 minutes 32 seconds west 26.31 feet, thence north 30 degrees 34 minutes 4 seconds east 104.42 feet part of which distance is intended to be along the center line of a party wall there situate to intersect the said southwesterly line of Yorkway, thence southeasterly binding on the said southwesterly line of Yorkway on a curve to the right with a radius of 4080 feet for a distance of 49.01 feet to the place of beginning. The improvements thereon being known as No. 2510 Yorkway.

#2510 YORKWAY Acc. 12-10-025250

County, on the _____ day of _____, 19____, at _____ o'clock

ESTIMATED LENGTH OF HEARING -1/2HR. AVAILABLE FOR BEARING

MON./TUES./WED. - NEXT TWO MONTES EXED EX: UCA DATE 11/29

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

oning Commissioner of Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Petitioner: Landex Corpor ation - Griffith Davis Location of property: NXI /5 YorkWay 710' NW / Los Way Location of Signer Facing York 4. 1, opprox, 25 Fr. nord way Number of Signe:

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 MOTICE OF HEARING The Zoning Commissioner of Balti-more County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property ideal and a second or the property 4 N. Center Place the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as fol-P. O. Box 8936 Dundalk, Md. 21222 Petition for Special Hearing CASE MUMBER: 89-263-SPH NE/S Yorkway, 710' NW of c/1 of Looway (2518 Yorkway) 12th Election District Legal Owner(s): Griffith Davis Contract Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 23, 1988 at 9:00 a.m. SPECIAL HEARING: Nonconforming ase of 2510 Yorkway (four apart-In the event that this Petition is 9thgranted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES Zening Commissioner of Baltimore County

CERTIFIC PEOF PUBLICATION

Dundalk Eagle

December 8.

THIS IS TO CERTIFY, that the annexed advertisement of . Robert Haines in the matter of Zoning Hearings - Case # β9-263-SPH - P.O. #05996 - Req. #M25112 - 80 lines @ \$40.00. was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week successive weeks before the

December 19_{88} ; that is to say, the same was inserted in the issues of $_{Dec. 8, 1988}$

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND

Kimbel Publication, Inc. per Publisher

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NOTICE OF HEARING The Zening Commissioner of Belimore County, by authority of the Zoning Act and Requisitors of Belimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, to-cated at 111 W. Cheespeaks Averuse in Towson, Maryland 21204 as follows: Petition for Special Hearing Case number: 89-283-SPH NES Yorkney, 710' NW of or I of Leaway (2510 Yorkney) 12th Election District 7th Councilmanic Legal Owner(s): Griffith Davis Purchaser(s): Landex Corporation Hearing Date: Thursday, Dec. 29, 1988 at 9:00 a.m. Special Hearing: Noncon-forming use of 2510 Yorkway (four spartments) In the event that this Patition is In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the J. ROBERT HAINES Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 8 1988 published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Docember 8, 1928.

THE JEFFERSONIAN.

S. -12 - William

PO 07752 rea M 25/11 case 89-263-SPH price \$35.63

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT AMOUNT \$ 100.00 RECEIVED Judith S. Siegel, President, Landex Corp. 39 Major Potter Road 250 Centerville Rc 1 Warwick, RI 02886 Building #6 Filing Fee for Special Hearing (1 of 17) Items # 216-232 Yorkway Non-conforming apartments

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

December 20, 1988

Dennis F. Rasmussen

Judith S. Siegel, President 250 Centerville Road Building Six Warwick, Rhode Island 02886

> RE: Case Numbers 89-249-SPH through 89-264-SPH - Yorkway

Dear Ms. Siegel:

Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 16 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestants to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 J. Robert Haines Zoning Commissioner

John B. Gontrum, Esq.

809 Eastern Boverlard Essex, Maryland 21221 Dennis F. Rasınussen

RE. Petitions for Special Hearing. CASE NUMBERS: 89-249-SPH thru 89-264-SPH Your Client: Landex Corporation Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Dear Mr. Gontrum:

Please be advised that \$1,450.08 is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. Do not remove the sign and post set(s) from the properties.

THIS FEE MUST BE PAID ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearings are scheduled

Please note that due to the number of signs to be returned, here will be no need for your client to remove and return the signs, as this office will do same.

Very truly yours,

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Mr. Walter Stealey Ms. Judith S. Siegel File

* \$ 90.63 each property

Date___ December 28, 1988

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner

Pat Keller, Deputy Director FROM Office of Planning and Zoning

Landex Corporation SJBJECT Zoning Petition Nos. 89-249-X thru 89-264-X

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 20, 1988. It is not clear from the applicant's submittal if buildings 2615, 2609, 2527 and 2529 are included in this request. Baltimore County has been involved with various improvements to this project. Money has been utilized in the past to rehabilitate and upgrade apartments within this project. There has also been an effort to clean up the railroad right-of-way that is located along the rear of block No. 9. Staff has no detailed comments or recommendation regarding this request.

PK/sf

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing CASE NUMBER: 89-263-SPH NE/S Yorkway, 710' NW of c/l of Leeway (2510 Yorkway) 12th Election District - 7th Councilmanic Legal Owner(s): Griffith Davis Purchaser(s): Landex Corporation HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2510 Yorkway (four apartments)

In the event that this Petition is granted, a building permit may be issues within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

VETERANS ATTENTION THE MOST SENSATIONAL OFFER EVER MADE BRICK APARTMENT HOUSES.

1100 23 00 10.41 M.t. HSSUL./UL DIV.

4 Individual Apartments In Each House. EACH APARTMENT HAS LANGE LIVING ROOM BILE 12 FEET 8 INCHES WIDE BY 17 FEET 9 INCHES LONG.

LARGE BEDROOM SIZE IS TEET & DICHES LONG AND IS THE O DICHES WIDE SEDROOM HAS TWO SIPARATE CLOSETS ! FANCE THE BATHROOM WITH BATHTUB AND BHOWER BATH AND LARGE LINEN CLOSET, ENTRANCE HALL WITH COAT CLOSET, ... RITCHEN WITH BUILT-IN CASINETS, LINOLEUM, GAS RANGE AND WESTINGHOUSE ELECTRIC REFUGERATOR THE HOT WATER HEATING PLANT WITH SCHADATE THERMOSTAT HE EACH APARTMENT. BEFARATE STORAGE ROOM IN BASEMENT FOR EACH AFARIMENT. LAUNDRY TUBE AND TOILET IN BASEMENT, HANDWOOD FLOORS AND SUB FLOORS. CHUNCHES OF ALL DENOMINATIONS, PLAYGROUNDS AND MODERN SHOPPING CENTER NEARBY, AND A NEW MILLION DOLLAR HIGH SCHOOL WITHIN TWO BLOCES, BALT WATER PATHING BEACH WITHIN TIVE MINUTES RIDE

INCLUDING CHOUND (CENTER HOUSES BLIGHTLY LOWER) BUILT IN 1945 CONSTRUCTION OF THESE HOMES WAS SUPERVISED AND INSURED BY

FEDERAL HOUSING ADMINISTRATION . IF YOU HAKE A CASII PAYMENT OF \$500.00 AND THANCE YOUR MORTGAGE UNDER FILM.

THESE ARE O. P. A. APPROVED RENTS. TOTAL RECEIVED FER HONTH \$176.00 YOUR MORTGAGE WOULD BE \$14,500.00 TON 20 YEAR I HERM .. YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE INTEREST FOR THET MONTH... I/II OF YOUR ANNUAL COUNTY TAXES

1/11 Of YOUR TIRE INSURANCE..... Halance of Income left to you after mortgage payment\$ 53.87 YOUR OTHER YEARLY EXPENSES FOR BUNKING THE HOUSE AND COAL USED, 14 TORS AT \$12.00 PER TON......\$219.00

AMOUNT LEFT FROM MONTHLY RENT AFIER PAYING MORTCAGE AND ALL EXPENSES 22.75

Add to this the amount you have paid of (saved) on your mostgage OIL YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STELL HAVE A NICE INCOME SEE THE FURNISHED SAMPLE APARTMENT 1ST FLOOR 2551 YORKWAY PARTY OPEN DAILY-BATURDAY-SUNDAYS-12 NOON TO 7:30 P. M.

Take 26 car to Dundalk and Liberty Parkway; walk to end of 2500 block Liberty Parkway (Leanay); turn 1524 left on Leaway I block. Sample House on somer.

JEHOME J. GEHHART, Agent PHONE DUNDALK 1701 2534 YORKWAY 1

AFFIDAVIT OF NANCY CAPECCI

- I, NANCY CAPECCI, hereby certify that I am over 18 years of age and am competent to testify as follows:
- 1. My husband and I first purchased 2528 Y reway in 1946 and lived there from 1947 through 1962. We continued to own that property until 1985, but rented it between 1962 and 1985. I reacquired the property in 1987.
- 2. During the period of time that I lived at 2528 Yorkway, as well as the period that I w s visiting the property on a weekly and sometimes a daily basis in my capacity as a landlord, I was acquainted with the other properties along Yorkway.
- 3. I have testified in Case Number 89-103 and have given an Affidavit in that case. My testimony and Affidavit are correct with respect to the facts recited. In Case Number 89-103-SPH I identified the flier, a copy of which is attached hereto and made a part hereof as part of the original advertising for the premises along the 2500 and 2600 Yorkway.
- 4. All of the apartment buildings in the 2500 and 2600 block of Yorkway were originally built prior to 1945 as four unit apartments. Some of the units had basement apartments or later added basement apartments to them.
- 5. I have also testified in Case Number 88-14-SPH before the Board of Appeals with respect to 2619 Yorkway, and feel competent to testify that all of these buildings which are the subject to the case here today were originally built prior to 1945 as four

PETITIONER'S EXHIBIT 3A

ASSESSMENT REAL ESTATE yorkway Village Ine (Could) 19 / 1720 Lat 67.5 x 104 S/10/5 Zarkway 230.52 4Erf admiral Blod pun 3/ 1050 8500 I muit afit Bldg. \$ 8500. 121 Lat 49 8106 5/11/5 Jorkeway 27 3.0 5/E of admired Blodymis, 870 8500 1014 4 mit apt Blig 88600. 122 at 49 x ros 5/11/3 yorkway 34xer 4E of admind Blad nings 8ro 8500 9011 1 725 fat 67 x 110 . 87 S/M/S Yorkway 3910 5/E of admiral Blod pum S/E 10 40 8500 9290 X 201 Let 61.5 × 111.23 S/10/8 yorkery 453.00 4/6 f seminal/360 4/6 8500 9,40 F tet of White 111.23 Ships youkerry 514.50 Steep assimil Blad purish 1020 8500 1.70 4 unit aht Bldg 19500. X 1916 at 614112 5/16/5 Jackway 5755 JE of admiral Blody sum S/E 1020 8500 11 I unit aft Bldg \$1500. C/27 Set 49x115 5/18/5 Yorkway 636.5 V Steef admiral Blod suns, 8500 gol 4 unit aft Bldg 68500 C7=0 Lat 49 x117 S/10/s yorkway 68558 SEA admiral Blodger S/E 8500 1110 4 mit aft Bldg \$1500. CTOI at 628119.75 SIMS yorking 734,57 Stept admirab Blod jum. 1040 8500 1110 1 unit afit Blog \$ 8500 F 420 fot 624121. 92 3/11/5 Horkway 791.52 9/E of admial Blod pur 4 Tet at 4911745 S/W/s Yorkway 858 St St Staf admiral Blod puriff 1040 8500 1:10 820 1500 111 That It 49 1173.63 5/4/5 yorkway 907.52 5/E farmial Blodent H unital Bly 18500 1/2 2. 8.70 8500 1070 If The set brying " Slus yorkerny got st Ste of admiral Blodger & 1040 8500 9210. H' unit aft Bldg. \$1500. 4410 The same of the - I'm - 6 14.2.

AFFIDAVIT

My name is Connie Ports and my address is Apartment B, 2607 Yorkway, Dundalk Maryland 21222. I first moved to the Yorkway area in 1963 and after leaving for a short while, I moved back again in 1971. I have acted as a manager for several of the apartment buildings in the 2600 block of Yorkway and at one time managed 2619 Yorkway. I testified before the Baltimore County Board of Appeals in Case No. 88-14 with respect to 2609 and 2619 Yorkway. It was my testimony at that time under oath, that I have been in all of the buildings along the 2600 block of Yorkway and that they were all identical as four (4) unit apartment buildings, except that some apartments had added an additional apartment in the basement. It was and is my testimony that these buildings were all constructed originally as four (4) bedroom unit apartments and during the familiarity with these apartments for the 1960's up to the present time, these buildings have all been used continuously and uninterruptedly with four (4) apartment units per building.

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

I hereby certify that on this 22 day of December 1988, before me, Notary Public for said State and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and

My commission expires: 71.190

10/24/88:819.RG:ECC10239

PETITION FOR SPECIAL HEARING

Petitioners

SW/C Yorkway and Leeway

(2532 and 2534 Yorkway)

12th Election District

DANIEL ABBOTT, et al

up to the present.

7th Councilmanic

BRIJDEO SHIVNARAIN,

LAW FIRM

ROMADKA, GONTRUM PETITIONER'S EXHIBIT 3B

PETITIONER'S

AFFIDAVIT

there for approximately two (2) years. We attempted to purchase

but were unable to do so and instead rented the property. We

then moved to 6918 Homeway, very nearby to this apartment neigh-

borhood, and continued to frequent the Yorkway area to visit

family and friends over the course of the next forty (40) years

Yorkway, an end of group, in that same originally contained four

(4) apartment dwelling units with a sales office in the basement,

years of age and competent to testify as follows:

apartment dwelling unit in the basement.

I, Marge Capecci, hereby certify that I am over 18

1. I first lived at 2526 Yorkway in 1945 and lived

2. I specifically recall the property known as 2504

2510

ZONING COMMISSIONER

Case No. 89-103-SPH

BALTIMORE COUNTY

<u>AFFIDAVIT</u>

My name is James Thompson and I am the Zoning Enforcement Supervisor for the Department of Planning and Zoning in Baltimore County, Maryland. I have been employed in the Zoning Office as a Zoning Enforcement Officer and as a Zoning Inspector for 11 1/2 years. For the past 6 years, I have acted as the Chief of the Zoning Enforcement Section. Over these years, I have become acquainted with the apartment buildings on Yorkway in the Dundalk area of Baltimore County. Numerous violations have been filed against various units on the Yorkway complex for exceeding the permitted number of units within the given zone. A review of the zoning records on the numerous violations which we have researched over the past decade indicates that the apartment units on the 2500 and 2600 block of Yorkway were all built about the same time in 1943 and 1944. The units were all built as four (4) unit apartments. When zoning became effective in January in 1945, these apartment buildings were classified as a Class D residential zone. This zone allowed three (3) units or more per dwelling. However, the original regulations provided for non-conforming uses as follows:

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such

> PETITIONE TO EXHIBIT 4

IN RE: PETITION FOR SPECIAL HEARING N/S Yorkway, 225' E of Leeway 12th Election District

Kenneth W. Martin, et ux,

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 86-290-SPH

* * * * * * * * * * * The Petitioners herein request a Special Hearing to determine whether or not approval should be granted for the non-conforming use of 2609 Yorkway as a four apartment building since 1945, and furthermore, the non-conforming use of two additional apartments in existence since 1951.

Pursuant to the advertisement and posting of the above referenced property, a public hearing on the Petition was held on January 28, 1986, at which time one of the Petitioners testified that six apartments had been rented continuously since his purchase of the property in 1980. A witness testified that both basement apartments were occupied from spring to fall of 1957.

Two Protestants testified that the building was constructed for four apartments. One of the Protestants testified that the building was constructed in 1945; that in 1963 he was aware of one basement apartment; and that currently he can see a cat living in another basement apartment. The other Protestant testified that through the years, he gradually became aware that there were basement apartments in the neighborhood

At the request of the Petitioner, the case was continued. The file indicates that the Petitioner would contact the Deputy Zoning Commissioner within 60 days to arrange a date to continue the case. The file includes copies of both a July and a September letter from the Deputy Zoning Commissioner asking that the Petitioner request either a continuation or a dismissal of the case. At this time, no such request has been noted:

noted EXHIBIT S

2510 Yorkway BEFORE THE 12th Election District ZONING COMMISSIONER Mr. Griffith Davis 4 Club Road Baltimore, Maryland 21210 BALTIMORE COUNTY 76-96-V, C-76-27 : : : : : : : : : ORDER OF DISMISSAL : : : : : : : :

A complaint has been filed with the Zoning Office concerning an alleged violation of the Baltimore County Zoning Regulations at the above captioned location in Baltimore County.

Enjoys a legal nonconforming use for five apartments.

As there appeared no apparent violation of the Baltimore County Zoning Regulations at the present time, the matter is DISMISSED.

Zoning Commissioner of Baltimore County

Date: April 7, 1976

RE: ZONING VIOLATION

PETITIONER'S EXHIBIT 5

which in 1946 or shortly thereafter, was converted to a fifth 3. I specifically recall my children playing with the children of families who lived in that basement apartment at 2534 Yorkway, and can state that I have frequently visitely orkway

PEILIONER'S EXHIBIT 6

